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TECHNICAL MEMORANDUM
Utah Coal Regulatory Program

December 2, 2010

TO: Internal File

THRU: Jim Smith, Lead *JS 9 Dec 2010*

FROM: Joe Helfrich, Biology, Cultural Resources *JH 12/19*

RE: Minor Revision, Lila Canyon Breakouts, Utah American Energy Inc., Lila Canyon Mine, Permit # C0070013 Task ID #3669

SUMMARY:

On November 9, 2010, the Division received an amendment from UEI to breakout in five places along the coal out-crop. Two of the breakouts are in the current disturbed area boundary and three are approximately 800' to the east of the surface facilities area. Since the fan location and direction were changed it has become necessary to revise the location of the breakouts.

This memo will include a review of the Biology and Cultural Resource sections of the regulations.

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TECHNICAL ANALYSIS:

GENERAL CONTENTS

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.12; R645-301-411.

Analysis:

A cultural resource survey for the proposed breakouts was conducted on December 7, 2010 by Montgomery Archaeological consultants. Report # 10-276 08 December 2010. A pedestrian survey of 1.1 acres on BLM property for 100% coverage was conducted for the breakout areas. The survey resulted in the finding of no cultural resources.

Findings:

The information in the application is adequate to meet the requirements of this section of the regulations.

VEGETATION RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.19; R645-301-320.

Analysis:

Appendices 3-1, 3-3 and 3-4 in chapter 3 of the MRP include vegetation surveys, (TE&S species and lists included), vegetative communities and reference areas. According to the information in the MRP there are no threatened, endangered or sensitive species with in the proposed breakout areas.

Findings:

The information in the MRP is adequate to meet the requirements of this section of the regulations.

FISH AND WILDLIFE RESOURCE INFORMATION

Regulatory Reference: 30 CFR 784.21; R645-301-322.

Analysis:

Current raptor surveys located in the confidential section of the MRP indicate that there are five golden eagle nests within ½ mile of the proposed breakouts. Two are dilapidated, two are inactive and one is active but none are occupied at this time. The breakouts are also located in bighorn sheep habitat. On November 30th a site visit to the proposed breakouts was conducted by Joe Helfrich, (DOGM Wildlife Biologist), and Leroy Mead, (DWR Habitat Biologist). Rams in the “Rut” were observed with the ewes. The rut ends on or near the 15th of December. Additional consultation included Dave Waller, (BLM Wildlife Biologist). The biologists concluded that the sheep would not be impacted by the disturbance associated with the breakouts. The biologists will be on site to verify that there are no sheep in the immediate area during the breakouts.

Findings:

The information in the MRP is adequate to meet the requirements of this section of the regulations.

LAND-USE RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.22; R645-301-411.

Analysis:

As noted in Volume 2, Chapter three, Section 342, Page 27 of the MRP, “*Rangeland for domestic stock is the secondary intended postmining land use with wildlife habitat as the primary land use.*”

Findings:

The information in the MRP is adequate to meet the requirements of this section of the regulations.

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OPERATION PLAN

FISH AND WILDLIFE INFORMATION

Regulatory Reference: 30 CFR Sec. 784.21, 817.97; R645-301-322, -301-333, -301-342, -301-358.

Analysis:

Protection and Enhancement Plan

The breakouts are scheduled to occur during the tail end of the rut. . On November 30th a site visit to the proposed breakouts was conducted by Joe Helfrich, (DOGM Wildlife Biologist), and Leroy Mead, (DWR Habitat Biologist). Rams in the "Rut" were observed with the ewes. The rut ends on or near the 15th of December. Additional consultation included Dave Waller, (BLM Wildlife Biologist). The biologists concluded that the sheep would not be impacted by the disturbance associated with the breakouts. The biologists will be on site to verify that there are no sheep in the immediate area during the breakouts.

Endangered and Threatened Species

Appendices 3-1, 3-3 and 3-4 in chapter 3 of the MRP include vegetation surveys, (TE&S species and lists included), vegetative communities and reference areas. According to the information in the MRP there is no threatened, endangered or sensitive plant or animal species with in the proposed breakout areas.

Bald and Golden Eagles

Current raptor surveys located in the confidential section of the MRP indicate that there are five golden eagle nests within ½ mile of the proposed breakouts. Two are dilapidated, two are inactive and one is active but none are occupied at this time. The consensus of personal conversations with David Waller, (BLM Wildlife Biologist), Nathan Darnall, (FWS Biologist), and Leroy Mead, (DWR Habitat Biologist), was that since the nests are currently unoccupied and nesting pairs would not show an interest in occupying one of the nests until mid January to early February, the breakout activities would not have an impact on the birds.

Wetlands and Habitats of Unusually High Value for Fish and Wildlife

There are no wetlands within the proposed breakout areas.

Findings:

The information in the MRP is adequate to meet the requirements of this section of the regulations.

VEGETATION

Regulatory Reference: R645-301-330, -301-331, -301-332.

Analysis:

Appendices 3-1, 3-3 and 3-4 in chapter 3 of the MRP include vegetation surveys, (TE&S species and lists included), vegetative communities and reference areas. According to the information in the MRP there are no threatened, endangered or sensitive plants or animal species with in the proposed breakout areas.

Findings:

The information in the MRP is adequate to meet the requirements of this section of the regulations.

RECLAMATION PLAN

GENERAL REQUIREMENTS

Regulatory Reference: PL 95-87 Sec. 515 and 516; 30 CFR Sec. 784.13, 784.14, 784.15, 784.16, 784.17, 784.18, 784.19, 784.20, 784.21, 784.22, 784.23, 784.24, 784.25, 784.26; R645-301-231, -301-233, -301-322, -301-323, -301-331, -301-333, -301-341, -301-342, -301-411, -301-412, -301-422, -301-512, -301-513, -301-521, -301-522, -301-525, -301-526, -301-527, -301-528, -301-529, -301-531, -301-533, -301-534, -301-536, -301-537, -301-542, -301-623, -301-624, -301-625, -301-626, -301-631, -301-632, -301-731, -301-723, -301-724, -301-725, -301-726, -301-728, -301-729, -301-731, -301-732, -301-733, -301-746, -301-764, -301-830.

Analysis:

Findings:

POSTMINING LAND USES

Regulatory Reference: 30 CFR Sec. 784.15, 784.200, 785.16, 817.133; R645-301-412, -301-413, -301-414, -302-270, -302-271, -302-272, -302-273, -302-274, -302-275.

Analysis:

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As noted in Volume 2, Chapter three, Section 342, Page 27 of the MRP, "*Rangeland for domestic stock is the secondary intended postmining land use with wildlife habitat as the primary land use.*"

Findings:

The information in the MRP is adequate to meet the requirements of this section of the regulations.

PROTECTION OF FISH, WILDLIFE, AND RELATED ENVIRONMENTAL VALUES

Regulatory Reference: 30 CFR Sec. 817.97; R645-301-333, -301-342, -301-358.

Analysis:

The breakouts are scheduled to occur during the tail end of the rut. . On November 30th a site visit to the proposed breakouts was conducted by Joe Helfrich, (DOGM Wildlife Biologist), and Leroy Mead, (DWR Habitat Biologist). Rams in the "Rut" were observed with the ewes. The rut ends on or near the 15th of December. Additional consultation included Dave Waller, (BLM Wildlife Biologist). The biologists concluded that the sheep would not be impacted by the disturbance associated with the breakouts. The biologists will be on site to verify that there are no sheep in the immediate area during the breakouts.

Findings:

The information in the MRP is adequate to meet the requirements of this section of the regulations.

REVEGETATION

Regulatory Reference: 30 CFR Sec. 785.18, 817.111, 817.113, 817.114, 817.116; R645-301-244, -301-353, -301-354, -301-355, -301-356, -302-280, -302-281, -302-282, -302-283, -302-284.

Analysis:

Revegetation: General Requirements

The general requirements for revegetation are addressed in Volume 2, Chapter three, Section 353, and Page 28 of the MRP.

Revegetation: Timing

The requirements for revegetation timing are addressed in Volume 2, Chapter three, Section 354, and Page 29 of the MRP.

Revegetation: Mulching and Other Soil Stabilizing Practices

The requirements for mulching are addressed in Volume 2, Chapter three, Section 355, and Page 28 of the MRP.

Revegetation: Standards For Success

The requirements for the revegetation standards for success are addressed in Volume 2, Chapter three, Section 356, and Pages 29 through 32 of the MRP.

Findings:

The information in the MRP is adequate to meet the requirements of this section of the regulations.

RECOMMENDATIONS:

The application is recommended for approval.